

**Jeopardy Assessment**  
for the Proposed Incidental Taking Authorization  
of the Butler's Garter Snake

Mitchell Park Bike/Walking Trail Project  
City of Brookfield, Waukesha County, Wisconsin

**Background**

The state-threatened Butler's garter snake is the smallest of the five Wisconsin garter snake species. Both sexes of this species reach maturity during their second full year and females deliver 4-19 live-born young in mid to late summer. This species requires a moderately open to open canopy habitat, preferably with both upland and wetland habitat. Butler's naturally hibernate in open-canopy wetlands (sedge meadows, fringes of cattail marshes, etc.) but are also known to occupy sites that provide other means for successful overwintering (i.e. old landfills where conditions provide access below the frostline and where adequate moisture exists).

The Butler's garter snake is a colonial species that is restricted to several southeastern counties in Wisconsin. There are currently 30 locations where this species has been documented from 1973 to present. Twenty-five of these records have been documented since 1990. Most sites that have been moderately to heavily surveyed for Butler's show a healthy age-class structure, indicating that regular recruitment is occurring on those sites. Surveys and monitoring since its listing in 1997 reveal that Butler's often occur in very large numbers on relatively small sites (i.e. 400+ snakes detected on a 20-acre site with less than 50% suitable [open canopy] habitat). Three intensive survey/monitoring efforts associated with mitigation for incidental take to date have involved large numbers of Butler's garter snakes (over 1200 Butler's on three isolated sites along Lincoln Creek within the City of Milwaukee). Surveys have also demonstrated that Butler's can occur, sometimes in high numbers, on highly disturbed and degraded sites. One example is the location of 62 Butler's during one survey of a brownfield site in the industrial heart of Milwaukee. Most of the snakes were found under pieces of broken concrete in a large, abandoned, gravel parking lot that was adjacent to a small wetland.

In Summary, the Butler's garter snake is a fast-maturing species with potentially high annual recruitment. It can sustain populations on highly disturbed sites if the disturbance factors are eliminated and suitable wetlands are present on or adjacent to these sites. Since 1997, most sites where Butler's were suspected to occur, based on proximity to known range and habitat and which were subsequently surveyed, verified their presence.

**Jeopardy Assessment**

The proposed Mitchell Park Bike and Walking Trail Project will be constructed in suitable Butler's gartersnake habitat that is part of a significant conservation (Tier 3) site. This project has the potential to cause incidental take of the Butler's gartersnake, although take is being minimized or avoided by a combination of project timing and placement of snake fencing to keep snakes out of harms way during construction. An approved conservation plan for the project will also mitigate for all lost habitat within the same Tier 3 habitat site so that the project will result in no net loss of suitable habitat as required in the Butler's Gartersnake Conservation Strategy. The following conditions must be met in order for the pending Incidental Take Authorization (ITA) to be issued. The conditions that have yet to be initiated or completed at the time the ITA is issued must be fully implemented for the ITA to remain effective.

Required Conditions of the Butler's Gartersnake Conservation Plan for Mitchell Park:

1. There will be no net loss of suitable habitat for the snake.
2. The suitable habitat being permanently lost in the construction area must be restored to good quality habitat at a 1 to 1 ratio in habitat that is not currently suitable habitat.
3. The suitable habitat that will be temporarily disturbed in the construction area must be restored to good quality habitat and must be monitored and managed initially for five years to achieve the desired habitat conditions.
4. Annual management of all suitable habitat held by the conservation easement is required per the Butler's Gartersnake Conservation Strategy such that it remain as good quality habitat.
5. Protect in perpetuity all suitable snake habitats within the City of Brookfield's Mitchell Park Property that remain or are restored to suitable habitat following trail construction. These areas must be protected through a conservation easement between the City of Brookfield and the Wisconsin Department of Natural Resources.

The department has determined that the proposed project is not likely to jeopardize the continued existence or recovery of the state population of these snakes or the whole plant-animal community of which they are a part if the Butler's Gartersnake Conservation Plan is strictly adhered to.